

California Regional Water Quality Control Board
North Coast Region

Administrative Civil Liability Complaint No. R1-2010-0011

For

Violation of Waste Discharge Requirements
Order No. R1-2003-0026 and
Order No. R1-2009-0003 (NPDES No. CA0024058)

In the Matter of
Sonoma County Water Agency and
Russian River County Sanitation District
Wastewater Treatment Facility
WDID No. 1B820450SON

Sonoma County

This administrative civil liability complaint (hereinafter Complaint) is issued to the Russian River County Sanitation District (hereinafter RRCSD) and the Sonoma County Water Agency (hereinafter SCWA) pursuant to California Water Code (hereinafter CWC) section 13385, subdivisions (h) and (i) for violations of Waste Discharge Requirements (WDRs) Orders No. R1-2003-0026 and No. R1-2009-0003 (NPDES Permit No. CA0024058) that occurred from June 1, 2007 through May 31, 2009.

The Assistant Executive Officer of the Regional Water Quality Control Board, North Coast Region (hereinafter "Regional Water Board"), hereby gives notice that:

1. RRCSD owns the Russian River Wastewater Treatment Facility (hereinafter WWTF), a municipal wastewater treatment facility located at 18400 Neeley Road, Guerneville, Sonoma County, which is southeast of Vacation Beach and north of the Russian River on Neeley Road. SCWA is under contract with RRCSD to operate and maintain the WWTF, which serves the communities of Armstrong Park, Drakes Road area, Guerneville, Guernewood Park, Rio Nido and Vacation Beach. Tertiary treated wastewater is used for irrigation from May 15 to September 30 and is discharged to the Russian River during the discharge season (October 1 to May 14). Both RRCSD and SCWA, as the owner and operator, respectively, are responsible for ensuring that their acts or omissions comply with the National Pollutant Discharge Elimination System (NPDES) Permit. Hereinafter, RRCSD and SCWA are referred to collectively as "the Discharger".
2. On November 5, 2003, the Regional Water Board adopted WDRs Order No. R1-2003-0026 for the Discharger's WWTF. Order No. R1-2003-0026 became effective on December 26, 2003 and expired on November 5, 2008. Pursuant to 40 Code of Federal Regulations part 122.6 (2009) and California Code of Regulations Title 23, Section 2235.4, the expiration day of Order No. R1-2003-0026 was extended to March 19, 2009. On January 29, 2009, the Regional Water Board adopted WDRs Order No. R1-2009-0003, which became effective March 20, 2009, and serves as a NPDES Permit under the Federal Clean Water Act.

3. This Complaint covers violations of effluent limitations that occurred from June 1, 2007 to May 31, 2009, which are subject to the mandatory minimum penalties provision contained in CWC section 13385, subdivisions (h) and (i).
4. Among the provisions in the WDRs are requirements to implement a discharge monitoring program and to prepare and submit monthly and annual NPDES self-monitoring reports to the Regional Water Board pursuant to the authority of CWC section 13383. These reports are designed to ensure compliance with effluent limitations contained in the WDRs.
5. Between June 1, 2007 and May 31, 2009, the Discharger reported two sanitary sewer overflows (SSOs). The first occurred on August 9, 2007 at 16315 Watson Road in Guerneville. The report stated that "Each time [the] pump kicked on (3 times an hr) roughly 1 [gallon] of water seeped up through [the] street. Water would evaporate before [the] pump kick[ed] on again, small amount that reached side of road absorbed in dirt." It was estimated that 74 gallons overflowed before the problem was cleaned up and repaired. The second SSO occurred on December 22, 2008 between manholes 46-8 and 46-9 on Old Monte Rio Road in CITY. A grease-clogged pipeline caused approximately 15 gallons of sewage to overflow. When the Discharger's crew arrived, the overflow had stopped. The crew ran a line and cleaned up the affected area. Neither of these spills reached waters of the State or of the United States and therefore, penalties are not being assessed.

STATEMENT OF WATER CODE SECTIONS UPON WHICH LIABILITY IS BEING ASSESSED

6. CWC section 13385, subdivision (h)(1) requires the Regional Water Board to assess a mandatory minimum penalty (hereinafter MMP) of three thousand dollars (\$3,000) for each serious violation of an NPDES permit effluent limitation. CWC section 13385, subdivision (h)(2) states that a serious violation occurs if the discharge from a facility regulated by an NPDES permit exceeds the effluent limitations for a Group I pollutant, as specified in Appendix A to Section 123.45 of title 40 of the Code of Federal Regulations, by 40 percent or more, or for a Group II pollutant, as specified in Appendix A to Section 123.45 of title 40 of the Code of Federal Regulations, by 20 percent or more.
7. CWC section 13385, subdivision (i)(1) requires the Regional Water Board to assess a MMP of three thousand dollars (\$3,000) for each violation whenever a discharger does any of the following four or more times in any period of six consecutive months, except that the MMP shall not apply to the first three violations:
 - a. Violates a waste discharge requirement effluent limitation.
 - b. Fails to file a report pursuant to Section 13260.
 - c. Files an incomplete report pursuant to Section 13260.
 - d. Violates a toxicity discharge limitation where the waste discharge requirements do not contain pollutant-specific effluent limitations for toxic pollutants.

Violations under section 13385, subdivision (i)(1) of the Water Code are referred to as chronic violations in this Complaint. The first three violations in any period of six consecutive months that are not subject to MMPs shall be referred to in this Complaint as 1st Chronic, 2nd Chronic, and 3rd Chronic respectively.

8. On February 19, 2002, the State Water Resources Control Board (State Water Board) adopted Resolution No. 2002-0040 amending the Water Quality Enforcement Policy (Enforcement Policy). The Enforcement Policy was approved by the Office of Administrative Law and became effective on July 30, 2002. The Enforcement Policy addresses, among other enforcement subjects, issues related to assessing MMPs pursuant to CWC section 13385, subdivisions (h) and (i).

ALLEGED VIOLATIONS OF WASTE DISCHARGE REQUIREMENTS ORDER NO. R1-2003-026:

9. Order No. R1-2003-0026 includes the following effluent limitations:

A. EFFLUENT LIMITATIONS FOR DISCHARGES TO THE RUSSIAN RIVER

1. Advanced treated wastewater shall not contain constituents in excess of the following limitations:

Constituent	Unit	Monthly Average	Weekly Average
Suspended Solids	mg/l	10	15

2. The disinfected effluent discharged from the WWTF to the Russian River shall not contain concentrations of total coliform bacteria exceeding the following limitations:

- a. The median concentration shall not exceed a Most Probable Number (MPN) of 2.2 per 100 milliliters, using the bacteriological results of the last seven days for which analyses have been completed.
- b. Representative samples of advanced treated wastewater collected at a point between the storage pond and the point of discharge to the Russian River shall not contain constituents in excess of the following limitations:

Constituent	Unit	Interim ¹		Final ²	
		Monthly Average	Daily Maximum	Monthly Average	Daily Maximum
Dichlorobromomethane	µg/l	---	32	0.56	1.12

¹ This interim limitation shall be effective until November 5, 2008.

² The final limitation for Dichlorobromomethane shall replace the interim limitation on November 6, 2008.

- Table 1:
Effluent Limitation Exceedances
June 1, 2007 through March 19, 2009

Date	Parameter	Reported Value	Permit Limit	Units	Violation Type	Mandatory Minimum Penalty
1/8/2008	7-day Coliform Median	4.0	2.2	MPN/100 ml	1 st Chronic	\$0
1/9/2008	7-day Coliform Median	4.0	2.2	MPN/100 ml	2 nd Chronic	\$0
1/10/2008	7-day Coliform Median	4.0	2.2	MPN/100 ml	3 rd Chronic	\$0
1/11/2008	7-day Coliform Median	4.0	2.2	MPN/100 ml	Chronic	\$3,000
1/12/2008	7-day Coliform Median	4.0	2.2	MPN/100 ml	Chronic	\$3,000
1/13/2008	7-day Coliform Median	4.0	2.2	MPN/100 ml	Chronic	\$3,000
1/14/2008	7-day Coliform Median	4.0	2.2	MPN/100 ml	Chronic	\$3,000
1/15/2008	7-day Coliform Median	4.0	2.2	MPN/100 ml	Chronic	\$3,000
1/16/2008	7-day Coliform Median	4.0	2.2	MPN/100 ml	Chronic	\$3,000
5/9/2008	7-day Suspended Solids	16.5	15	mg/l	Chronic	\$3,000
12/3/2008	Dichlorobromomethane	3.34	0.56 monthly	µg/l	1 st Chronic	\$0
12/3/2008	Dichlorobromomethane	3.34	1.12 daily	µg/l	2 nd Chronic	\$0
1/7/2009	Dichlorobromomethane	3.11	0.56 monthly	µg/l	3rd Chronic	\$0
1/7/2009	Dichlorobromomethane	3.11	1.12 daily	µg/l	Chronic	\$3,000
3/4/2009	Dichlorobromomethane	2.92	0.56 monthly	µg/l	Chronic	\$3,000
3/4/2009	Dichlorobromomethane	2.92	1.12 daily	µg/l	Chronic	\$3,000
						Total: \$30,000

ALLEGED VIOLATIONS OF WASTE DISCHARGE REQUIREMENTS ORDER NO. R1-2009-0003:

11. Order No. R1-2009-0003 includes the following effluent limitations:

A. EFFLUENT LIMITATIONS AND DISCHARGE SPECIFICATIONS

1. Effluent Limitations
2. Interim Effluent Limitations – Discharge Points 002 (Discharge to Russian River), 003 (Land Discharge) and 004 (Reclamation)
 - a. Beginning on the effective date of the Order and ending March 19, 2014, the Discharger shall maintain compliance with the following interim effluent limitations for ammonia and nitrate at Discharge Points 002, 003 and 004 with compliance measured at the appropriate monitoring location based on the effluent disposal method (Monitoring Locations EFF-002, LND 001, and/or REC-001) as described in the attached MRP. These interim effluent limitations shall apply in lieu of the corresponding final effluent limitations specified in sections IV.A 3.b., IV.B.1 and IV.C.2 of this Order until March 19, 2014.

Table 8. Ammonia and Nitrate Interim Effluent Limitations

Parameter	Units	Effluent Limitations	
		Average Monthly	Maximum Daily
Nitrate (as N)	mg/L	---	39

3. Final Effluent Limitations – Discharge Point 002 (Discharge to Russian River)
 - a. The Discharger shall maintain compliance with the following final effluent limitations at Discharge Point 002, with compliance measured at Monitoring Location EFF-002, as described in the attached MRP.

Table 9. Final Effluent Limitations for Discharge Point 002

Parameter	Units	Effluent Limitations		
		Average Monthly	Average Weekly	Maximum Daily
Dichlorobromomethane	µg/l	0.56	---	0.94

12. According to monitoring reports submitted by the Discharger for the period from March 19, 2009 through May 31, 2009, the Discharger exceeded the effluent limitations set forth in Order No. R1-2009-0003 five times as shown in Table 2 below.

Table 2:
Effluent Limitation Exceedances
March 20, 2009 through May 31, 2009

Date	Parameter	Reported Value	Permit Limit	Units	Violation Type	Mandatory Minimum Penalty
4/8/2009	Dichlorobromomethane	3.03	0.56 monthly	µg/l	Chronic	\$3,000
4/8/2009	Dichlorobromomethane	3.03	0.94 daily	µg/l	Chronic	\$3,000
5/6/2009	Dichlorobromomethane	5.72	0.56 monthly	µg/l	Chronic	\$3,000
5/6/2009	Dichlorobromomethane	5.72	0.94 daily	µg/l	Chronic	\$3,000
5/6/2009	Nitrate	47	39	mg/l	Chronic	\$3,000
						Total: \$15,000

THE DISCHARGER IS HEREBY GIVEN NOTICE THAT:

1. The Assistant Executive Officer proposes that the Discharger be assessed an administrative civil liability in the amount of \$45,000 in mandatory minimum penalties for violations of effluent limitations set forth in Waste Discharge Requirements (WDRs) Orders No. R1-2003-0026 and No. R1-2009-0003 (NPDES Permit No. CA0024058) that occurred from June 1, 2007 through May 31, 2009.
2. The issuance of this Complaint is an enforcement action to protect the environment, and is therefore exempt from the provisions of the California Environmental Quality Action (Public Resources Code, sections 21000-21177) pursuant to Title 14, California Code of Regulations, sections 15308 and 15321.
3. The Regional Water Board will conduct a hearing on this Complaint on March 24 and/or 25, 2010, unless the Discharger waives the right to a hearing by signing and returning the waiver form attached to this Complaint by February 4, 2010.
4. If a hearing is held, the Regional Water Board may impose an administrative civil liability in the amount proposed or for a different amount; decline to seek civil liability; or refer the matter to the Attorney General to have a Superior Court consider enforcement.
5. Regulations of the United States Environmental Protection Agency require public notification of any proposed settlement of civil liabilities occasioned by violation of the Clean Water Act, including NPDES Permit violations. Accordingly, interested persons will be given 30 days to comment on any proposed settlement of this Complaint, including a proposed Supplemental Environmental Project or Enhanced Compliance Action.

6. Notwithstanding the issuance of the Complaint, the Regional Water Board shall retain the authority to assess additional penalties for violation of the Discharger's WDRs.

Luis G. Rivera
Assistant Executive Officer

January 14, 2010